

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2004-158268-MOK

PROJECT MANAGER: O'Keefe, Michael

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐

Date: 1/4/2005

At the project site? Y ☒ N ☐

Date: 6/29/2004

PROJECT LOCATION INFORMATION:

State: **Wisconsin**

County: **Langlade**

Center coordinates of site by latitude & longitude: **#1(45.2931166/-89.1919869) and #2(45.2921726/-89.1697351)**

Approximate size of site/property (including uplands) in acres: **10.8 and 30.0**

Name of waterway or watershed: **Wisconsin River Watershed**

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands					10.8	30.0			
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	1 & 2				
Is or would be used as habitat by other migratory birds that cross state lines?	1 & 2				
Is or would be used as habitat for endangered species?					1 & 2
Is used to irrigate crops sold in interstate commerce?				1 & 2	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The first wetland basin exists as a shallow water marsh with an emergent wetland fringe. The openwater area is located on both the north and south sides of CTH J. The roadway has basically divided the wetland in half. The second wetland basin is basically a tag alder swamp. The swamp drains in a south to north direction. CTH J crosses the upper third of the basin. The wetland ultimately drains into a small lake.

A site review of the affected wetlands was conducted on June 29, 2004. Upon receiving a completed application on December 13, 2004, the Wisconsin Wetland Inventory, USGS Topographic, and NRCS Soil Survey maps were reviewed. This review showed that there is no surface water connection between either wetland basin and a Federal Navigable Waterway. There is no public access to the basins that would provide a nexus for interstate commerce.